

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

JOSE CARLOS VELEZ-COLON,

**Plaintiff,**

**v.**

**CIVIL NO. 10-1341 (FAB)**

JOSE RAMON DE LA TORRE, ET  
AL.,

**Defendants.**

**ORDER**

Pending before the Court is plaintiff's motion for leave to proceed in forma pauperis, (Docket No. 1), motion for service on defendants by U.S. Marshals, (Docket No. 4), and motion for a temporary restraining order ("TRO"), (Docket No. 3). Plaintiff's motion for leave to proceed in forma pauperis is hereby **GRANTED**. Plaintiff's motion for service on defendants is held in abeyance until such time as plaintiff tenders proper summons to be issued by the Clerk.

"A TRO is available under Fed.R.Civ.P. 65 to a litigant facing a threat of irreparable harm before a preliminary injunction hearing can be held." San Juan Cable, LLC v. Telecomm. Regulatory Bd. Of P. R., 598 F. Supp. 2d 233, 235 (2009) (citing 11A Charles A. Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 2951 (1996 & Supp. 2008)). Reviewing the complaint and its attached exhibits, it does not appear that plaintiff has established the imminent threat of irreparable harm necessary to

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invoke the protection of a TRO. (See Docket No. 2; Docket No. 2-8.) Furthermore, plaintiff has offered no specific reasons as to his contentions that: (1) the claim presented in the complaint bears the likelihood of success on the merits sufficient to merit the preliminary injunctive relief requested; or that (2) “[a] balancing of the interests [weighs] heavily in favor” of his motion for a TRO. (Docket No. 3 at 3.) Accordingly, plaintiff’s motion for a TRO is **DENIED**.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, April 23, 2010.

s/ Francisco A. Besosa  
FRANCISCO A. BESOSA  
UNITED STATES DISTRICT JUDGE